

**TOWN OF SOUTH BETHANY  
BOARD OF ADJUSTMENT  
PUBLIC HEARING AND MINUTES  
Thursday, March 5, 2020 10:30 a.m.**

PRESENT: Chairman Steve Bunoski, Charlene Sturbitts, Martha Fields, Al Rae  
TOWN STAFF: Joe Hinks, Code Enforcement Officer and Janet Powell, Town Clerk  
APPLICANT: Stephen and Susan Soulas, 162 Layton Drive  
ATTENDANCE: Jennifer Lee, 107 Godwin Place

Chairman Bunoski called the Hearing to order at 10:30 a.m. All parties were sworn in who requested testimony during the hearing.

The Special Exception Hearing minutes for Joan Bisson, 245 Bayshore Drive were approved.

The Hearing minutes for Elsie Koch, 117 Brandywine; since the sale of the property had been completed without a need of a Decision by the BOA, the matter is presently dismissed without prejudice.

PURSUANT TO 22 DEL.C. SECTION 327 (a) AND ARTICLE XI, SECTION 145-38 A (3) 8 FT. side yard setback requirements of the Code of South Bethany. The Board of Adjustment will hold a Public Hearing to consider the request of the owners at 162 Layton Drive, South Bethany for a variance request to aggregate side yard setback for lot and half. The Soulas purchased a strip of land between their property and the Jefferson Creek canal for the purchase price of one dollar on December 16, 1999. The Soulas would like to do a renovation on the side of their home, enclosing a side deck into an enclosed room using the existing construction of the home and roofline.

Upon review of the 2019 plot survey, Code Enforcer Joe Hinks noted that since they purchased the strip of land their property is now larger; changing the dimension of their property from 75' to 83.67. As noted in Section 145-37 Editor's Note created in 2004, defines an aggregate setback is when a property is larger than the standard size lot, it will increase the setbacks. For example, a standard lot may be 8' feet side setbacks but since the Soulas property is now a larger lot, their equation creates a 24' feet side setbacks. Mr. Hinks explained the reason the Editor's Note was created was to avoid people from purchasing one or more lots then placing an overly large home on the property with only 8' side setbacks. The Editor's Note creates an equation to balance the home on the property with aggregate setbacks.

Prior to the purchase to the strip of land; the Soulas' property would have been compliant with the original setbacks. Since the purchase of the strip of land, the Soulas are not compliant with the Editor's Note aggregate setbacks. Mr. Hinks stated that he felt the new renovation would have no impact on public safety to build the simple enclosure; it was more of an impact to the Soulas regarding the Editor's note.

Town Clerk Janet Powell stated she received two correspondence from David and Carole Ethridge, 161 Layton Drive and Christine Bisson, 247 Bayshore Drive stating they support the renovation.

The Board unanimously approved the request due to exceptional and practical difficulty.  
The hearing was adjourned at 10:56 a.m.

Exhibit 1 Variance application package including photos  
Exhibit 2 Two correspondences supporting the Soulas